

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

RICHARD STRAHAN,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No.
)	15-12277-FDS
AT&T MOBILITY LLC,)	
)	
Defendant.)	

ORDER OF DISMISSAL

SAYLOR, J.

On August 25, 2017, the Court granted the motion of defendant AT&T Mobility to compel arbitration and stayed litigation of the claims against AT&T pending the conclusion of arbitration. After more than eight months, plaintiff has failed to initiate the arbitration process.

On May 8, 2018, the Court issued an order directing plaintiff to show cause why the action should not be dismissed for failure to file for arbitration or otherwise take action to further his claims. In his response, plaintiff states that he cannot afford the \$2,000 upfront filing fee necessary to initiate arbitration. However, assuming plaintiff's claims are in fact meritorious, AT&T has already offered to fully reimburse him for all arbitration costs for claims under \$75,000. Because plaintiff is seeking \$100,000, AT&T has offered to reimburse him for all arbitration costs above \$200. While it is true that he must front the cost, that is not a reason to rewrite or ignore the arbitration contract. Therefore, under the circumstances, dismissal is appropriate.

Accordingly, plaintiff has not shown good cause why arbitration should not proceed, and the action is DISMISSED.

So Ordered.

Dated: June 4, 2018

/s/ F. Dennis Saylor
F. Dennis Saylor IV
United States District Judge